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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,198	10/21/2003	Kenneth A. Stevens	923071-94935(1017.4)	3673

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EXAMINER

MORRISON, THOMAS A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,198	STEVENS, KENNETH A.	
	Examiner	Art Unit	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "high capacity sheet feeder including a feed table with **first movable belts** operably mounted on and above a sheet transport with **second movable belts** in an operable position **for feeding sheets along a first arc** downward and back under the feed table to the transport". (emphasis added). It is confusing as to whether the first movable belts or the second movable belts of the sheet transport are for feeding sheets along the first arc. One possible solution would be to amend claim 1 to recite "high capacity sheet feeder including a feed table with first movable belts operably mounted on and above a sheet transport with second movable belts in an operable position, said first movable belts for feeding sheets along a first arc downward and back under the feed table to the transport".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5454554 (Boughton et al.) in view of U.S. Patent No. 4,928,944 (Goliez).

Regarding claim 1, Figs. 1-3 of Boughton et al. show a high capacity sheet feeder (including 10) including a feed table (14) operably mounted on and above a sheet transport (80) with second movable belts (84) in an operable position (Fig. 2) for feeding sheets along a first arc downward and back under the feed table to the transport, the sheet feeder (including 10) operably mounted to the transport (80) at hinge points (64) allowing said sheet feeder (including 10) to be hinged upwardly about a second arc to a non-operable position (Fig. 3) to allow access to a sheet-transporting assembly (including 90) of said transport (80), said sheet feeder (including 10) including the feed table (14) capable of retaining a stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position (Fig. 2) and said non-operable hinged-upward position (Fig. 3) and wherein the axis (near 64) of the first arc is generally parallel to the axis of the second arc.

Regarding the recitation "for feeding sheets along a first arc downward and back under the feed table to the transport", such recitation has not been given patentable

weight in view of MPEP, section 2114. Specifically, MPEP, section 2114 states that, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function." See MPEP, section 2114. With this interpretation of claim 1, the parallel axis limitation has also not been given patentable weight.

Regarding the recitation, "the feed table capable of retaining a stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position and said non-operable hinged-upward position", it is the examiner's position that very short sheets can be stacked edgewise on the feed table (14) of Boughton et al., such that the feed table (14) will be capable of retaining the stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position (Fig. 2) and said non-operable hinged-upward position (Fig. 3). Accordingly, the Boughton et al. patent satisfies all of the limitations of claim 1, except for first movable belts on the feed table, as claimed.

The Goliez patent shows that it is well known in the art to provide a feed table (24) of a sheet feeder with first movable belts (26) for the purpose of providing indexed incremental movement of a stack. See, e.g., column 4, lines 11-27 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feed table (14) of Boughton et al. with belts for the purpose of providing indexed incremental movement of the stack, as taught by Goliez.

3. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,454,554 (Boughton et al.) in view of U.S. Patent No. 5,081,825 (Mrozinski), and further in view of U.S. Patent No. 4,928,944 (Goliez).

Regarding claim 1, Figs. 1-3 of Boughton et al. show a high capacity sheet feeder (including 10) including a feed table (14) operably mounted on and above a sheet transport (80) with second movable belts (84) in an operable position (Fig. 2), the sheet feeder (including 10) operably mounted to the transport (80) at hinge points (64) allowing said sheet feeder (including 10) to be hinged upwardly about a second arc (Fig. 3) to a non-operable position (Fig. 3) to allow access to a sheet-transporting assembly (including 90) of said transport (80), said sheet feeder (including 10) including the feed table (14) capable of retaining a stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position (Fig. 2) and said non-operable hinged-upward position (Fig. 3).

Regarding the recitation, "the feed table capable of retaining a stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position and said non-operable hinged-upward position", it is the examiner's position that very short sheets can be stacked edgewise on the feed table (14) of Boughton et al., such that the feed table (14) will be capable of retaining the stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position (Fig. 2) and said non-operable hinged-upward position (Fig. 3).

Boughton et al. also shows that the feeder (including 10) feeds sheets to a transport (80) and explains that the transport (80) is a conventional dual flat belt and

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pulley transport that is used on inserting machines. See e.g., Fig. 2, column 3, lines 16-18 and column 4, lines 3-4 of Boughton et al. However, Boughton et al. does not specifically show which direction the belts (84) are rotated. As such, Boughton et al. does not specifically show the feeding of sheets along a first arc downward and back under the feed table to the transport, as claimed.

The Mrozinski patent discloses that it is well known in the art to operate an inserting machine with a feeder (14) and a transport (including 46) such that sheets are fed along a first arc (Fig. 2) downward and back under a feed table to the transport (including 46) to convey sheets to an inserting area (18). See e.g., Fig. 2 and column 4, lines 17-24 of Mrozinski. It would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the feeder (including 10) and the transport (80) of Boughton et al. such that the sheets are fed along a first arc downward and back under the feed table (14) of Boughton et al. to the transport (80) of Boughton et al. for the purpose of conveying sheets to an inserting area, as taught by Mrozinski. Boughton et al. in view of Mrozinski satisfies all of the limitations of claim 1, except for first movable belts on the feed table, as claimed.

The Goliez patent shows that it is well known in the art to provide a feed table (24) of a sheet feeder with first movable belts (26) for the purpose of providing indexed incremental movement of a stack. See, e.g., column 4, lines 11-27 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feed table (14) of Boughton et al. with belts for the purpose of providing indexed incremental movement of the stack, as taught by Goliez. Operating

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the feeder (including 10) and the transport (80) of Broughton et al. according to the teachings of Mrozinski will result in the axis of the first arc of Broughton et al. being generally parallel to the axis of the second arc (Fig. 3) of Broughton et al., as claimed.

4. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,169,341 (Roetter et al.) in view of U.S. Patent No. 5,454,554 (Broughton et al.), and further in view of U.S. Patent No. 4,928,944 (Goliez).

Regarding claim 1, Figs. 1-7 of Roetter et al. show a high capacity sheet feeder (near 14) including a feed table (near 186 in Fig. 1) operably mounted on and above a sheet transport (including 72 and 74) with second movable belts (72 and 74) in an operable position (Fig. 1) for feeding sheets along a first arc downward and back under the feed table (near 186 in Fig. 1) to the transport (including 72 and 74), the sheet feeder (near 14) operably mounted to the transport (including 72 and 74). However, the Roetter et al. patent does not specifically show the sheet feeder (near 14) operably mounted to the transport (including 72 and 74) at hinge points allowing said sheet feeder to be hinged upwardly about a second arc to a non-operable position to allow access to a sheet-transporting assembly of said transport, as claimed.

The Broughton et al. patent discloses that it is well known to operably mount a sheet feeder (including 10) to a transport (80) at hinge points (64) allowing said sheet feeder (including 10) to be hinged upwardly about a second arc (Fig. 3) to a non-operable position (Fig. 3) to allow access to a sheet-transporting assembly (including 90) of said transport (80) for the purpose of clearing document jams. See e.g., Figs. 1-3 and column 2, lines 7-10 of Broughton et al. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to provide the sheet feeder (near 14) of Roetter et al. with hinge points allowing said sheet feeder (near 14) to be hinged upwardly about a second arc to a non-operable position to allow access to a sheet-transporting assembly (near 88) of said transport (including 72 and 74) of Roetter et al. for the purpose of clearing document jams, as taught by Broughton et al. Pivoting the feeder (near 14) of Roetter according to the teachings of Broughton et al. will result in the axis of the first arc of Roetter et al. being generally parallel to the axis of the second arc, as claimed.

Regarding the recitation, "the feed table capable of retaining a stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position and said non-operable hinged-upward position", it is the examiner's position that very short sheets can be stacked edgewise on the feed table (near 186) of Roetter et al., such that the feed table (near 186) will be capable of retaining the stack of sheets loaded edgewise thereon and capable of maintaining such stack both in said operable position (Fig. 1) and said non-operable hinged-upward position. Roetter et al. in view of Broughton et al. satisfies all of the limitations of claim 1, except for first movable belts on the feed table, as claimed.

The Goliez patent shows that it is well known in the art to provide a feed table (24) of a sheet feeder with first movable belts (26) for the purpose of providing indexed incremental movement of a stack. See, e.g., column 4, lines 11-27 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide the feed table (near 186) of Roetter et al. with belts for the purpose of providing indexed incremental movement of the stack, as taught by Goliez.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/21/2006



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